

REGULAR MEETING

July 14, 1997

The Regular Meeting of the Annapolis City Council was held on July 14, 1997 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m.

Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Arason, Public Works Director Patmore

Mayor Hopkins presented a Distinguished Citizenship Award to January Roskelly.

Alderman Snowden moved to approve the Minutes of June 9, 1997 and June 16, 1997. Seconded. CARRIED on voice vote.

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the City Council was held at 7:00 p.m., Monday, July 14, 1997 in the City Council Chamber.

Members Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer, City Attorney Goetzke, and City Clerk Bembe.

By unanimous consent of the members present, the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(8). The purpose of the meeting was to consult with staff, consultants, or other individuals about pending or potential litigation. The following action was taken:

(1) Rowe, et ux v. City of Annapolis, et al

Following discussion, Alderman Tullier moved to support the recommendation of the City Attorney to file an appeal in Rowe, et ux. v. City of Annapolis, et al. and to make no counter offer of settlement. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

PETITIONS, REPORTS AND COMMUNICATIONS

1. Chris Keleher
131 Merryman Court
Annapolis, Md. 21401

Spoke regarding O-37-97 and R-12-97.

2. Louise Beauregard
2 Maryland Avenue
Annapolis, Md. 21401

Spoke regarding the lack of grocery stores in the Historic District.

3. Andree Adkins
107 Merryman Court
Annapolis, Md. 21401

Spoke in opposition to O-51-96.

4. Penny Evans
3 Constitution Square
Annapolis, Md. 21401

Spoke regarding O-36-97.

5. Mary T. Pontius, Member
Annapolis Housing Authority
1055 Norman Drive
Annapolis, Md. 21403

Spoke regarding R-12-97.

6. Robert Eades
26 Pleasant Street
Annapolis, Md. 21401

Spoke regarding a united community.

7. Gil Renaut, President
Ward One Residents' Association
115 Monticello Avenue
Annapolis, Md. 21401

Spoke regarding O-36-97 and O-16-97.

8. Peggy W. Moore, Member
Annapolis Housing Authority
906 Primrose Road
Annapolis, Md. 21401

Spoke regarding R-12-97.

There being no voiced objection, the order of the Agenda was amended to allow a Resolution.

LEGISLATIVE ACTION

RESOLUTIONS

- R-12-97** For the purpose of directing the City of Annapolis Department of Public Works to inspect all property managed by the Housing Authority of the City of Annapolis as provided by the City Code; and all matters relating to said property and inspection.

Alderman Turner moved to adopt R-12-97. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Turner

NAYS: Mayor Hopkins, Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer

DEFEATED: 6-3

The regular order of the Agenda was resumed.

CHARTER AMENDMENTS

CA-1-97 For the purpose of amending the Charter of the City of Annapolis to exclude certain positions from the civil service system.

Alderman Gilmer moved to adopt CA-1-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on CA-1-97.

Alderman Johnson moved to amend CA-1-97 as follows:

Amendment No. 1:

On Page 1, line 15, strike "exclude" and substitute "clarify".

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend CA-1-97 as follows:

Amendment No. 2:

On page 2, line 6, delete the strikeout.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt CA-1-97 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Johnson moved to adopt CA-1-97 as amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

There being no voiced objection, the order of the Agenda was amended to allow a Resolution.

RESOLUTIONS

R-23-97 For the purpose of stating the Annapolis City Council's support for the Annapolis Housing Authority's HOPE VI Grant Program and stating the Council's intent to assist the Authority in its implementation; and all matters relating to said Program.

Alderman Gilmer moved to adopt R-23-97. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

The regular order of the Agenda was resumed.

CHARTER AMENDMENTS

CA-2-97 For the purpose of amending the Charter of the City of Annapolis to establish that the acquisition, sale or lease of certain property shall be authorized by resolution.

Alderman Snowden moved to adopt CA-2-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on CA-2-97.

Alderman Johnson moved to amend CA-2-97 as follows:

Amendment No. 1:

On Page 1, line 39, immediately following the period add the following:

Such resolution shall be referred to the Finance Committee for recommendation prior to consideration by the City Council. A fiscal impact note shall be submitted by the Finance Director.

Amendment No. 2:

On Page 2, line 17, immediately following the period add the following:

Such resolution shall be referred to the Finance Committee for recommendation prior to consideration by the City Council. A fiscal impact note shall be submitted by the Finance Director.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt CA-2-97 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt CA-2-97 as amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden,
DeGraff, Moyer
NAYS: Alderman Hammond
CARRIED: 7-1

ORDINANCES

O-51-96 For the purpose of ensuring the safety of the public and passengers who engage the services of taxicab drivers holding a license in the City of Annapolis; authorizing the director of parking and transportation to adopt, promulgate and enforce regulations related to alcohol and drug use by licensed taxicab owners and drivers in the City of Annapolis; and all matters relating to said regulations.

There being no voiced objection, consideration of O-51-96 was postponed to the September 8, 1997 meeting.

O-9-97 For the purpose of approving the lease of certain city owned real estate to MBC, Incorporated; and all matters relating to said Lease.

There being no voiced objection, consideration of O-9-97 was postponed to the September 8, 1997 meeting.

- O-11-97** For the purpose of approving the lease of a portion of the landfill property to MBC, Incorporated; and all matters relating to said Lease.

There being no voiced objection, consideration of O-11-97 was postponed to the September 8, 1997 meeting.

- O-16-97** For the purpose of establishing procedures for the removal of elected officials by recall petition and referendum; and all matters relating to said recall procedures.

Alderman Johnson moved to adopt O-16-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-16-97 with amendments.

Alderman Johnson moved to amend O-16-97 as follows:

Amendment No. 1

On Page 2, strike lines 32 through 34 in their entirety and substitute the following:

ANY MEMBER OF THE CITY COUNCIL MAY BE RECALLED AND REMOVED FROM OFFICE PURSUANT TO CITY CHARTER ARTICLE II, SECTION 9 AND ACCORDING TO THE FOLLOWING PROCEDURES.

Amendment No. 2:

On Page 2, lines 38 and 40, strike "TEN" and substitute "THIRTY"; on Page 4, line 11, strike "TEN" and substitute "THIRTY".

Seconded. CARRIED on voice vote.

Alderman Johnson moved to amend O-16-97 as follows:

Amendment No. 3:

On Page 3, line 34, immediately following "CONTAIN" strike "NO".

Amendment No. 4:

On Page 5, line 1, immediately following "BUILDING" strike "OR" and substitute "AND"; on that same page, line 1 strike beginning with "MAIN" through and including "MUNICIPAL BUILDING OR IN A" on line 2; on that same page and line, strike "PLACE" and substitute "PLACES".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-16-97 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-16-97 as amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff
NAYS: Alderman Moyer
CARRIED: 8-1

- O-19-97** For the purpose of making a technical correction pertaining to the discipline of certain members of the exempt service; and all matters relating to said responsibility.

Alderman Snowden moved to adopt O-19-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-19-97.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-19-97 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

- O-21-97** For the purpose of promoting public safety and the welfare of citizens within the City; creating regulations to declare certain activities, including drug-related activity, on leased premises to be public nuisances and thereby the basis for suspension or revocation of the rental license for the premises; discouraging owners of leased premises from knowingly permitting a tenant to reside in a rental unit while involved in illegal drug activity; revising the duties of the building board of appeals; and all matters relating to said illegal activity on leased premises.

There being no voiced objection, consideration of O-21-97 was postponed to the September 8, 1997 meeting.

- O-23-97** For the purpose of modifying the set back requirements for structures in the waterway; and all matters relating to said setback requirements.

Alderman Snowden moved to adopt O-23-97 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-23-97.

The main motion CARRIED on voice vote.

Alderman DeGraff moved to adopt O-23-97 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

- O-31-97** For the purpose of providing that parties aggrieved by a decision of the Port Wardens may appeal that decision to the Circuit Court for Anne Arundel County; and all matters relating to said appeal.

Alderman DeGraff moved to adopt O-31-97 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-31-97.

The main motion CARRIED on voice vote.

Alderman Turner moved to adopt O-31-97 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Turner, Moyer
NAYS: Alderman Snowden
CARRIED: 7-1

O-32-97 For the purpose of establishing that water service extended to users outside the city shall be by written agreement approved by resolution; and all matters relating to said water service users.

Alderman Snowden moved to adopt O-32-97 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-32-97 with amendments.

Alderman Hammond moved to amend O-32-97 as follows:

Amendment No. 1:

On Page 1, line 32, immediately following the period add the following:

Such resolution shall be referred to the Finance Committee for recommendation and shall lie on the table for at least thirty days prior to consideration by the City Council. A fiscal impact note shall be submitted by the Finance Director.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-32-97 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-32-97 as amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner, Moyer
CARRIED: 8-0

O-36-97 For the purpose of apportioning among adjacent property owners, all city taxpayers and the State, obligations associated with installing, maintaining and replacing sidewalks; and all matters relating to said sidewalks.

There being no voiced objection, consideration of O-36-97 was postponed to the September 8, 1997 meeting.

O-38-97 For the purpose of establishing standards for bed and breakfast uses in the Residential Conservation Overlay District; and all matters relating to said standards.

There being no voiced objection, consideration of O-38-97 was postponed to the September 8, 1997 meeting.

O-40-97 For the purpose of establishing that a civil service employee placed on leave without pay pending a proposed suspension or dismissal shall be given an opportunity to be heard informally on the leave issue; changing references in Chapter 3.16 from "termination" to "dismissal" and other technical changes; and all matters relating to said discipline and technical changes.

Alderman Snowden moved to adopt O-40-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-43-97** For the purpose of establishing that the Mayor shall be provided a set budget for the operation of the office; establishing that the Mayor may hire and disburse the money as necessary for the efficient operation of the office; removing certain titles from the exempt service; adding the mayor's staff to exempt service; and all matters relating to said budget.

Alderman Turner moved to adopt O-43-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-44-97** For the purpose of authorizing the amendment of an existing lease dated January 1, 1995 with Eastport Seafood Company for certain municipal property known as the McNasby's Property, located at 723 Second Street in the City of Annapolis; and all matters relating to said lease.

Alderman Snowden moved to adopt O-44-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

RESOLUTIONS

- R-24-97** For the purpose of awarding a pension of Three Hundred Seventy-Five Dollars per month to Delores L. Rank, widow of Robert M. Rank, pursuant to the provisions of Article VIII, Section 6 of the Charter of the City of Annapolis; and all matters relating to said pension benefit.

Alderman Snowden moved to adopt R-24-97. Seconded. CARRIED on voice vote.

- R-25-97** For the purpose of assuring that future land use and transportation plans adopted by the City of Annapolis and Anne Arundel County regarding the Greater Annapolis Area effectively reflect growth principles included in the State Growth Act of 1992.

Alderman Snowden moved to adopt R-25-97. Seconded.

Alderman DeGraff moved to amend R-25-97 as follows:

On page 1, line 40 strike "and fund"; and in that same line, strike "responsible for" and substitute "to recommend"; and in line 41 strike "planning".

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend R-25-97 as follows:

On page 1, line 41, delete the strikeout on the word "planning".

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Finance Committee Recommendations for Action dated June 26, 1997

Alderman Snowden moved to approve the Finance Committee Recommendations for Action dated June 26, 1997. Seconded. CARRIED on voice vote.

2. Payment of Monthly Bills

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

3. Appointments

Alderman Snowden moved to confirm the Mayor's appointments/reappointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 6/18/97, 6/19/97, 6/25/97, 7/10/97 and 7/11/97:

Alcoholic Beverage Control Board:	Leonard Berman Charles M. Grayston Valerie K. Miller
Annapolis Conservancy Board:	Steven R. Raabe
Board of Port Wardens:	David S. Gendell
Building Board of Appeals:	Johnny Mack Johnson
Civil Service Board:	Sherry M. Yaniga Clifton A. Johnson
Environmental Commission:	Jennifer L. Bornemann Claudia H. Donegan Deirdre Farrell
Historic Preservation Commission:	David P. Fogle
Housing Authority:	Howard S. Pinskey
Human Relations Commission:	Helen F. Leitch
Planning Commission:	Charles G. Lewnes Richard L. Hillman
Plumbing Inspector Committee:	Randy Q. Jones Andrew J. Beyerlein, III
Recreation Advisory Board:	Edward F. Stubbs Patricia D. Benda
Transportation Advisory Board:	Robert L. Cohen Ann Isaacs

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:40 p.m.

Patricia L. Bembe, CMC/AAE
City Clerk